



Current Law vs. The Sexual Predator Punishment and Control Act

Below is a side-by-side comparison of current California law compared with the Governor's proposed Sexual Predator Punishment and Control Act.

GPS Tracking

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Permits the state to use GPS tracking as a condition of parole for convicted sex offenders.	<ul style="list-style-type: none">▪ Requires registered sex offenders released on parole to be placed on a GPS tracking system for life.▪ Requires offenders to pay for their own GPS equipment, if they are financially able.

Predator-Free Zone

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Prohibits some offenders convicted of lewd and lascivious conduct against a child from living within one-quarter mile (1320 ft.) of a school, for the duration of their parole.	<ul style="list-style-type: none">▪ Prohibits all registered sex offenders from living within 2000 ft. of a school or park, for the duration of their registration.▪ Allows local governments to include additional sites they deem appropriate, such as children's museums or water parks.

"Sexually Violent Predators"

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Requires two offenses and two victims before a predator can be classified as "sexually violent."▪ "Sexually Violent Predators (SVP's)" may be civilly committed to a state hospital for a two year term. District Attorneys may file a new petition every two years demonstrating the offender is still a danger.▪ SVP's may run their parole time out while civilly committed, leaving no parole jurisdiction upon release.	<ul style="list-style-type: none">▪ Allows for an offender to be evaluated as a sexually violent predator after one crime, rather than waiting for a second victim.▪ Allows for indefinite commitment to a state hospital (like other states with an SVP program) until the SVP can prove to a court they no longer fit the criteria.▪ Requires SVP's parole period to toll while in the state hospital so they still have to serve their parole time after discharge.

Child Pornography

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Possession of child pornography is a misdemeanor.	<ul style="list-style-type: none">▪ Possession of child pornography is a wobbler (alternate misdemeanor/felony).▪ Possession of child pornography is a felony if the offender has a prior conviction of any sex offense, including a prior for possession of child pornography.

Internet Luring

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Current law is incomplete in addressing this problem because it waits for direct harm to occur before criminal penalties can be attached.	<ul style="list-style-type: none">▪ Specifically prohibits any contact or communication with a minor for the purpose of engaging in sexual conduct or abuse.

“Date Rape” Drug Use

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Imposes an additional three-year prison term for persons who force the use of specified controlled substances in the commission of a felony.	<ul style="list-style-type: none">▪ Imposes an additional five-year prison term for persons who use specified controlled substances (i.e. date rape drugs) in the commission of specified sexual crimes, such as rape.

“Good-Time Credits” for Sex Offenders

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Allows sex offenders to reduce their prison terms through the use of “good-time credits.”	<ul style="list-style-type: none">▪ Eliminates the use of “good-time credits” for habitual sex offenders.

Increase Parole Terms

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Provides for parole terms from 3-5 years for various sex offenses.	<ul style="list-style-type: none">▪ Provides for parole terms of up to 10 years for the most heinous sex offenses.

Sexual Predator Punishment

<u>Current Law:</u>	<u>Proposed Law:</u>
<ul style="list-style-type: none">▪ Sexual assault punishment statutes fail to include the full range of crimes committed by sexual predators.▪ Sexual assault punishment statutes fail to provide adequate punishment for many sexual predators.	<ul style="list-style-type: none">▪ Expands and strengthens our basic sexual assault punishment statutes, including those for “One Strike” Sex Crimes, “Habitual Sex Offenders,” and “Aggravated Sexual Assault of a Child.”▪ Adds a broad range of forcible sex crimes and child molest crimes to these statutes.▪ Increases the penalty to life imprisonment for kidnapping for the purpose of child molestation and for assault with the intent to commit sex crimes during a residential burglary.▪ Expands the requirement for mandatory prison sentences and mandatory consecutive sentences for sex crimes.